

1 BILL NO. Z-82-02-03 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z- 11-82

3 AN ORDINANCE amending the City of Fort  
4 Wayne Zoning Map No. L-10.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated an M-2 District under the terms of Chapter 33, The Code of  
9 the City of Fort Wayne, Indiana of 1974:

10 Lots numbered 38, 40, 42, 44, 46, and 48, all in  
11 Northside Addition to the City of Fort Wayne, in  
12 Allen County, State of Indiana, according to the  
13 plat thereof, recorded in Deed Record 30, pages  
514-515, in the Office of the Recorder of Allen  
County, Indiana,

14 and the symbols of the City of Fort Wayne Zoning Map No. L-10, referred  
15 to therein, established by Section 33-11 of said Chapter are hereby changed  
16 accordingly.

17 SECTION 2. That this Ordinance shall be effective upon  
18 passage and approval by the Mayor and legal publication thereof.

19  
20 COUNCILMAN

21  
22 APPROVED AS TO LEGALITY AND  
23 FORM

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25 BRUCE O. BOXBERGER, CITY ATTORNEY

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9 of the City of Fort Wayne, Indiana of 1974;

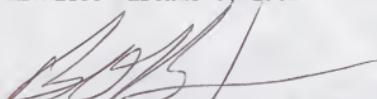
10 Lots numbered 38,40,42,44,46,48 and the East  
11 60 feet of Lot Number 47, all in Northside  
12 Addition to the City of Fort Wayne, in Allen  
13 County, State of Indiana, according to the  
plat thereof, recorded in Deed Record 30,  
pages 514-515, in the office of the Recorder  
of Allen County, Indiana,

14 and the symbols of the City of Fort Wayne Zoning Map No. L-10,  
15 referred to therein, established by Section 33-11 of said Chapter  
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18 passage and approval by the Mayor and legal publication thereof.

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21   
22 COUNCILMAN

23 APPROVED AS TO FORM AND  
24 LEGALITY FEBRUARY 5, 1982

25   
26 BRUCE O. BOXBERGER, CITY ATTORNEY  
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Read the first time in full and on motion by Costak,  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on 19, the 19 day of May, at 10 o'clock A.M., E.S.T.

DATE: 2-9-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Costak,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>		<u>1</u>	
<u>BRADBURY</u>	<u>X</u>				
<u>BURNS</u>	<u>X</u>				
<u>EISBART</u>	<u>X</u>				
<u>GiaQUINTA</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>-</u>				<u>X</u>
<u>SCHMIDT</u>	<u>X</u>				
<u>SCHOMBURG</u>	<u>1</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 5-11-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-11-82  
on the 11th day of May, 1982.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 10th day of May, 1982, at the hour of  
11:00 o'clock A.M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 13th day of May  
1982, at the hour of 4 o'clock P.M., E.S.T.

WIN MOSES, JR.  
WIN MOSES, JR. - MAYOR

BLT. NO Z-82-02-03

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. L-10

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE **DJ** **S** PASS

BEN A. EISBART = CHAIRMAN

JANET G. BRADBURY = VICE CHAIRMAN

PAUL M. BURNS

JOHN NUCKOLS

ROY J. SCHOMBURG

CONCURRED IN

5-11-82

CHARLES W. WESTERMAN, CITY CLERK

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We RKO BOTTLERS OF FORT WAYNE, INC.  
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/a R2/B3R/M-1 District to a/an M-2 District the property described as follows:

Lots numbered 38, 40, 42, 44, 46, 48 and the East 60 feet of Lot Number 47, all in Northside Addition to the City of Fort Wayne, in Allen County, State of Indiana, according to the plat thereof, recorded in Deed Record 30, pages 514-515, in the office of the Recorder of Allen County, Indiana.

(Legal Description) If additional space is needed, use reverse side.  
1203, 1209, 1215, 1219, 1225 and 1229 Cass Street, together with 310 and 320 First Street in Fort Wayne, Allen County, Indiana.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

RKO BOTTLERS OF FORT WAYNE, 4646 U.S. 24 West  
INC. Ft. Wayne, IN 46804  
BY: Robert Stange (Address)  
(Name) Robert Stange  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by John C. Theisen, Attorney at LawNOTE FOLLOWING RULESAll requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)Name and address of the preparer, attorney or agent.  
John C. Theisen  
600 Lincoln Bank Tower  
Ft. Wayne, IN 46802  
(Name) (Address & Zip Code) (219) 424-3800  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning &amp; Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 9, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-02-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 15, 1982;

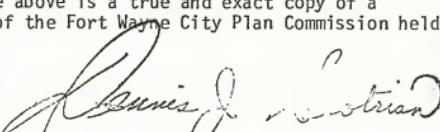
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by a motion by Joyce Schlatter, seconded by Dennis Grotrian that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

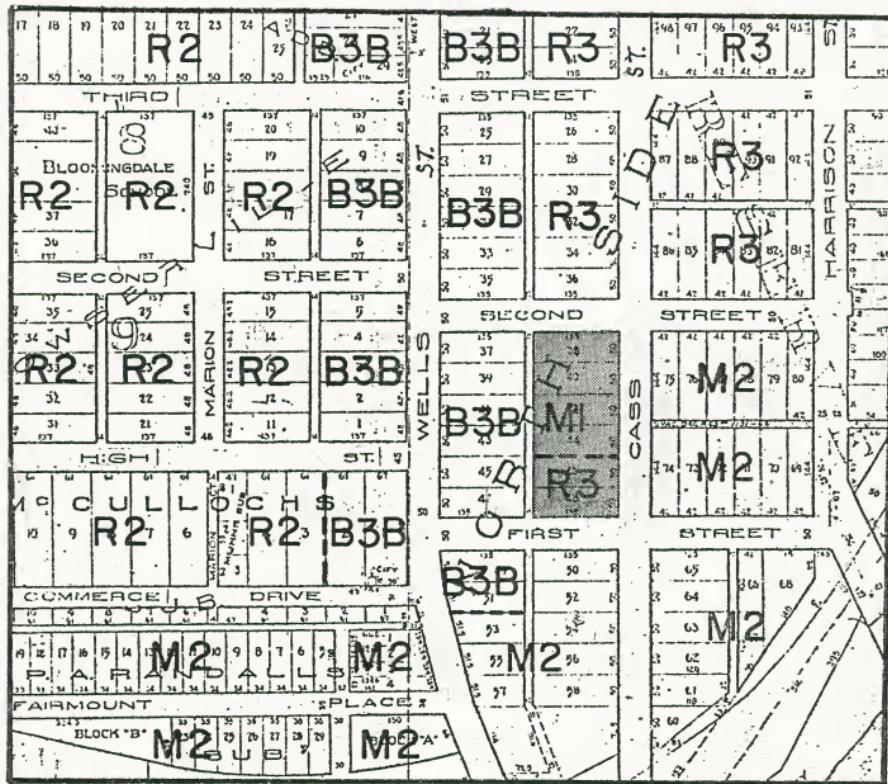
- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 26, 1982.

Certified and signed this  
28th day of April 1982.

  
Dennis J. Grotrian  
Secretary



ZONING RECLASSIFICATION FROM A  
B3B, MI + R3 TO AN M2 DISTRICT.

MAP NO. L-10

Z-82-02-03 (AS AMENDED)

BY G.R. LAX 1-19-82

TITLE OF ORDINANCE Zoning Ordinance Amendment3-82-02-03DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Lots 38, 40, 42, 44, 46, 48 and the East 60 feet of Lot 47  
all in Northside Addition.EFFECT OF PASSAGE Property is now zoned R3 - Multiple Family Residential;  
B-3-B - Limited Business and M-1 - Light Industrial. Property will become M-2 -  
General Industrial.EFFECT OF NON-PASSAGE Property will remain R3, B3B & M-1.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 April 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 26, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-02-03
2. From: R3/B3B/M1 to M2
3. Intended Use: RKO Bottlers Expansion
4. Plan Commission Recommendation: DO PASS as Perfected

PERFECTION: The East 60 feet of Lot #47 in Northside Addition is to be eliminated from the petition as part of the rezoning.

This ordinance received a DO PASS recommendation for the following reasons:

- a. the rezoning will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- c. the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- d. the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- e. the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten, Senior Planner

AN EQUAL OPPORTUNITY EMPLOYER



# The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

May 17, 1982

Ms. Judy High  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. High:

Please give the attached full coverage on the dates of May 19, and May 26, 1982, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. Z-82-02-03  
Zoning Map Ordinance No. Z-11-82

Bill No. G-81-09-13  
General Ordinance No. G-06-82

Please send us 10 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

*Charles W. Westerman*  
Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 11th day of May, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-82-02-03 -- Zoning Map Ordinance No. Z-11-82, AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-10

Notice is hereby given that on the 11th day of May, 1982, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-09-13 -- General Ordinance No. G-06-82, AN ORDINANCE amending the Code of the City of Fort Wayne, Indiana of 1974, Chapter 21-1, 21-2 and 21-3 which adopted the General Plan for the City of Fort Wayne as approved by Council on November 26, 1963

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-82-02-03 -- Zoning Map Ordinance No. Z-11-82 and Bill No. G-81-09-13 -- General Ordinance No. G-06-82, were passed by the Common Council on the 11th day of May, 1982, and said Ordinances were signed and approved by the Mayor on the 13th day of May, 1982, and remains on file and on record in my office.

Copies of Bill No. Z-82-02-03 -- Zoning Map Ordinance No. Z-11-82 and Bill No. G-81-09-13 -- General Ordinance No. G-06-82, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

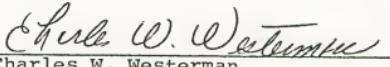
- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-82-02-03 -- Zoning Map Ordinance No. Z-11-82 and Bill No. G-81-09-13 -- General Ordinance No. G-06-82, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

  
Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on May 19, 1982.

  
Charles W. Westerman  
City Clerk



## Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind

To: NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	1
Body	number of lines	71
Tail	number of lines	2
Total number of lines in notice		<u>74</u>

## COMPUTATION OF CHARGES

74	lines, 1 columns wide equals	74 equivalent lines at .300¢	\$ 22.20
		cents per line	

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)	8 extra	\$ 4.00
		\$ 26.20

TOTAL AMOUNT OF CLAIM.

## DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type ..... 6 point

Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*D. Rose*Date May 26 19 82

Title ..... CLERK

Form 903

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

DAILY

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:5/19 - 5/26/82*D. Rose*

26th day of May 1982

*Anne M. Perkins*

Notary Public

November 29, 1985

My commission expires

A. Headline of Fort Wayne

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Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To..... JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

71

Tail number of lines

2

Total number of lines in notice

74

## COMPUTATION OF CHARGES

74 lines, 1 columns wide equals 74 equivalent lines at .3004 \$ 22.20 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 8 extra \$ 4.00

## TOTAL AMOUNT OF CLAIM.

\$ 26.20

## DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type..... 6 point

Number of insertions 2 Size of quad upon which type is cast 6

**LEGAL NOTICE**  
 Pu. Notice is hereby given that on the 11th day of May, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-06-82, — AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-10. Notice is hereby given that on the 11th day of May, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-09-13 — General Ordinance No. G-08-82, AN ORDINANCE amending the City of Fort Wayne, Indiana, of the City of Fort Wayne, Indiana, of

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-82-02-03 — Zoning Map Ordinance No. Z-11-82 and Bill No. G-09-13 — General Ordinance No. G-06-82, were passed by the Common Council on the 11th day of May, 1982, and said Ordinances were read and approved by the Mayor on the 13th day of May, 1982, and remain on file and on record in my office.

Copies of Bill No. Z-82-02-03 — Zoning Map Ordinance No. Z-11-82 and Bill No. G-09-13 — General Ordinance No. G-06-82, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) This main floor of the City-County Building in the lobby of Downtown Fort Wayne Public Library.

(2) The bulletin board in the lobby at the East door of the Allen County Court House.

Copies of Bill No. Z-82-02-03 — Zoning Map Ordinance No. Z-11-82 and Bill No. G-09-13 — General Ordinance No. G-06-82, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Charles W. Westerman  
Clerk

I, Charles W. Westerman Clerk of the City of Fort Wayne, Indiana, further certify that the above ordinance in the designated places as stated on May 19, 1982.

Charles W. Westerman  
Clerk  
5/19/82

*Asilee De Told*

Title..... CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... **ARVILLE DEWALD**..... who, being duly sworn, says that she is.....

CLERK of the

JOURNAL-GAZETTE

a..... DAILY newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being

as follows:

5/19 - 5/26/82

Subscribed and sworn to before me this **26th** day of **May**, **1982***Asilee De Told*

Notary Public

My commission expires **November 29, 1985**

Fort Wayne Common Council  
(Governmental Unit)

Allen County, Ind.

To..... JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

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Head	number of lines	1
Body	number of lines	71
Tail	number of lines	2
Total number of lines in notice		74

## COMPUTATION OF CHARGES

74 lines, 1 columns wide equals 74 equivalent lines at .300¢..... \$ 22.20  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 8 extra \$ 4.00  
\$ 26.20

## TOTAL AMOUNT OF CLAIM.

## DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type ..... 6 ..... point

Number of insertions 2 Size of quad upon which type is cast 6 .....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 26 1982

Title CLERK

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a..... DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/19 - 5/26/82



Today at the east door of the Allen County Court House

Copies of Bill No. Z-82-02-03

Zoning Ordinance No. Z-82-02-11-

82 and Bill No. G-81-09-13 - General

Ordinance No. G-06-82, will

be available for reading in the fol-

lowing places in the City of Fort Wayne, Allen

County, Indiana.

(1) Reference Room in the

normative floor in said

Downtown Public Library.

(2) The Journal of the Common

Council Proceedings in the Office

of the City Clerk of Fort Wayne, Indiana.

Charles W. Westerman

City Clerk

I, Charles W. Westerman, Clerk

of the City of Fort Wayne, Indiana,

hereby certify that the above ordi-

nances in the aforesaid places as

stated on May 19, 1982.

Charles W. Westerman

City Clerk

5/19/82

Subscribed and sworn to before me this 26th day of May 1982

Notary Public

My commission expires November 29, 1985

